

REMARKS

With this amendment, the Applicant conforms the specification as reflected in the File Wrapper to reflect corrections made responsive to the Invitation to Correct Defects in the title page of the parent PCT Application, i.e. a Serial Number typographical error specifying the earlier application upon which the priority claim is based. The Continuing Data presented in the Related Applications statement added conforms to that reflected in the Bib Data Sheet, Confirmation No. 6782 in the File Wrapper of the this application.

Also the Applicant amends his claims, canceling claims 1-4, adding new claims 6 & 7, and amending claim 5 to depend from claim 6, conforming the claims to those accepted under Article 19 of the Patent Corporation Treaty received 24 December 2004 examined and reported on by Examiner Lazo in the INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY completed 06 January 2005.

In the INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY, Examiner Lazo explains under Rule 70.7:

“Claims 5-7 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the reversible power source in combination with reversible hydraulic motors that drive a winding system to translate a structure.”

PCT Article 33 at (2)-(3) provides:

- (2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.
- (3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art

Rule 65 of the regulations provides that under Article 33(3):

Rule 65.1 Approach to Prior Art

For the purposes of Article 33(3) the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim's relation not only to individual documents or parts thereof taken separately but also its relation to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

The obviousness criteria enunciated in PCT Article 33 and the associated regulation (Rule 65) for evaluating the existence of an ‘inventive step’ is at least the equivalent, if not superior to that

enunciated in 35 U.S.C. §103(a), especially in light of the '*teaching-suggestion-motivation test*' as characterized by the United States Patent and Trademark Office in the Solicitor General's BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING PETITIONER filed in the Supreme Court for the United States of America, Case No. 04-1350, entitled "*KSR INTERNATIONAL CO., Petitioner v. TELEFLEX INC., ET AL*"

The Applicant notes that in these National Stage proceedings, Examiner Lazo now raises one of Applicant's three prior patents (*Last* '590) issuing in 1993, 1994 and 1996, that the Applicant lists in his DESCRIPTION OF THE PRIOR ART as a basis for finding the combination of original claim 4 (depending from original claim 1) obvious, in light of the teachings of *Schanzlin* negating patentability under 35 U.S.C. §103(a).

With this response the Applicant submits an Information Disclosure Statement listing this three prior art patents specified in the specification of this application.

Examiner Lazo reasons that because both *Last* '590 and *Schanzlin* describe hydraulic circuits having reversible hydraulic power sources, it would be obvious to solve the problem of excess liquid outflow from the driven reversible hydraulic motor of the drive coupled, dual hydraulic motors for reversible winding systems of *Last*, while allowing the powering reversible hydraulic motor to pump/makeup from sump and excess outflow in the volume output leg of the drive coupled, dual hydraulic motors hydraulic circuit without tripping a pressure relief valve with the translating rod/linked poppet valves as taught in *Schanzlin*.


The Applicant observes that in his drive coupled, dual hydraulic motor systems for reversible winding systems taught in his three prior art patents, the volume output of the driving reversible hydraulic motor initially exceeds the pumping demand of the driven (pumping) reversible hydraulic motor maintaining tension in the reversible winding system, and must shunted/prevented from accelerating the driven motor to preclude a loss of tension. Then as the winding system winds up in one direction, the liquid volume input pumping demand of the driven reversible hydraulic motor exceeds the output discharge volume of the driving motor requiring that the driven motor be able to easily hydraulically draw make up volume to avoid cavitation.

In new claim 6, Applicant now positively recites that the dual coupled, reversible motors of the reversible winding system as having 'a common hydraulic input/output plenum hydraulically communicating with reservoir' to solve the problem of initial excess discharge volume output from the driving motor and the subsequent discharge volume deficiency as the input demand of the pumping motor accelerates in the winding cycle. As amended the Applicant respectfully submits that new claim

6 surmounts the 35 U.S.C. § 103(a) obviousness barrier to patentability, and it along with amended claims 5 and new claim are in a condition for allowance.

Accordingly, a notice of allowance so stating is respectfully requested.

5
Dated: 20-Sep-06

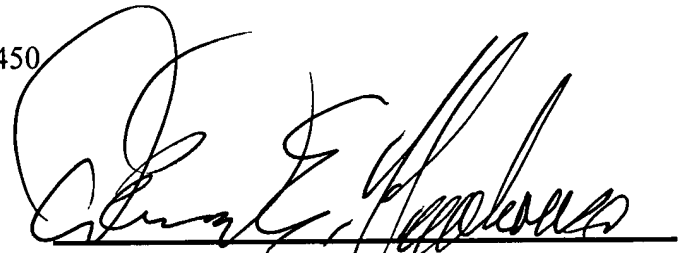


David E. Newhouse, Esq. Reg. No. 24,911
Attorney for Applicant

I hereby certify that this document is being deposited in San Mateo, Ca., postage prepaid, with the US. Postal Service on September 20, 2006 before 5:00 PM PST.

10
Mail Stop AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

DATED: September 20, 2006



David E. Newhouse, Esq. Reg. No. 24,911